

UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

**FILED**  
DISTRICT COURT OF GUAM  
OCT 23 2006  
MARY L.M. MORAN  
CLERK OF COURT

VAATAUSILI MARK ALAIMALO; Pro-se  
Petitioner

Case No. \_\_\_\_\_

Criminal No. 96-00039

vs

**CW - 06-00034**

UNITED STATES OF AMERICA; et al  
Respondents

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Petition and Complaint Requesting a "Certificate of Innocence", to request relief under 28 U.S.C. § 2513(a)(2) and 28 U.S.C. § 1495 on Count "1" violation of 21 U.S.C. § 952(a).... Criminal Case No. 96-00039 ...to Court of Federal Claims.

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NOW COMES; pro-se petitioner Alaimalo with this civil action to receive a "Certificate of Innocence" of a violation of 21 United States Code Section 952(a) ..... as the conduct limned in this statute does not apply to Mr. Alaimalo's innocent conduct, as his actions of flying from the United States to Guam, does not violate this statute .....Based on Cite: United States vs. Cabaccang 332 F.3d 622 (9th Cir 2003).

The District Court must consider whether the petitioner is truly innocent-- that is, whether he committed the acts charged and, if so, whether those acts constituted a criminal offense (§2513(a)(2)); Rigsbee 204 F.2d at 72 -- but the court makes that determination independent of the outcome of the trial or appeal, taking into account not only whether the petitioner was innocent but also whether he may be deemed responsible for his own prosecution.

The sole purpose of these statutes is to partially right an irreparable wrong done to a United State citizen who was wrongfully imprisoned through financial compensation. Cite: McLean v United States, 73 F.Supp 775, 778 (D.C.S.C. 1947).

#### "Claim"

Mr. Alaimalo's conduct quite simply, did not constitute a crime, he is as claimed "factually innocent."

Wherefore; petitioner Alaimalo has satisfied section 2513 (a)(2) by establishing that "[his conviction should be set aside on the ground that he is not guilty of the offense of which he was convicted]" and that "his acts, deeds, or omissions ---- constituted no offense.

"IN CONCLUSION"

Will this court hereby grant this request for a  
"Certificate of Innocence" based on the foregoing claim to  
enable redress in The Court of Federal Claims via 28  
U.S.C. §2513(a)?

Signed, dated and mailed

October 12, 2006

Respectfully submitted;

*Vaatausili Mark Alaimalo*

Vaatausili Mark Alaimalo

#86098-002

FCC Victorville

Adelanto, California

92301

Certificate of Mailing

I Vaatausili Mark Alaimalo placed a true and correct copy  
into the United States mail and addressed to:

Assistant United States Attorney

Frederick A. Black

Suite 502-A Pacific News Building

238 Archbishop Flores Street

Agana, Guam 96910

this 12th day of October 2006

Vaatausili Mark Alaimalo

*Vaatausili Mark Alaimalo*

*10-12-06*